

IN RE: PETITION FOR ZONING VARIANCE
S/S Wycliffe Road, 300' SW of
Park Drive
(2609 Wycliffe Road)
9th Election District
6th Councilmanic District
LeRoy J. Hubbs
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-53-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW
The Petitioner herein requests a variance to permit an existing accessory structure (shed) with a height of 16 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared, testified, and was represented by James F. McAvoy, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 2609 Wycliffe Road, consists of 6,325 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling and accessory structure (shed). Petitioner testified that he and his two children moved in with his mother, who has resided on the property for the past 43 years, in January 1990 after the death of his father. To accommodate their additional belongings, Petitioner contracted with Hartman Construction Company to build the subject shed, which was built without benefit of a building permit. Thereafter, Petitioner was notified by a Building Inspector that the shed was in violation of zoning regulations as to height restrictions and that a variance would be needed. Petitioner subsequently filed the instant Petition in order to resolve the matter. Mr. Hubbs testified that he was not aware that a permit was necessary and had believed that the company he had contracted with had complied with all regulations. Petitioner testified that he has spoken with his neighbors who have no objection to the shed. Mr. Hubbs argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community and

to require strict compliance would result in practical difficulty and tremendous financial hardship due to the amount of money he had invested to date.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 19th day of October, 1990 that the Petition for Zoning Variance to permit an existing accessory structure (shed) with a height of 16 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

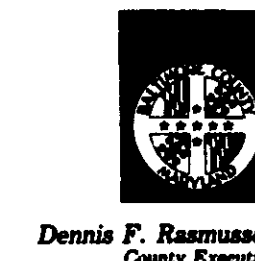
- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/19/90
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

October 18, 1990



James F. McAvoy, Esquire
6610-B Tributary Street, Suite 210
Baltimore, Maryland 21224

RE: PETITION FOR ZONING VARIANCE
S/S Wycliffe Road, 300' SW of Park Drive
(2609 Wycliffe Road)
9th Election District - 6th Councilmanic District
LeRoy J. Hubbs - Petitioner
Case No. 91-53-A

Dear Mr. McAvoy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. Leroy J. Hubbs
2609 Wycliffe Road, Baltimore, Md. 21234

People's Counsel

File

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the Petition for Zoning Variance Case No. 91-53-A, S/S Wycliffe Road, 300' SW of Park Drive, 2609 Wycliffe Road, 9th Election District, 6th Councilmanic District, at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following:

Petition for Zoning Variance
Case number: 91-53-A
S/S Wycliffe Road, 300' SW of Park Drive
2609 Wycliffe Road
9th Election District
6th Councilmanic District
Petitioner(s):
LeRoy J. Hubbs
Hearing Date: Tuesday, Oct. 9, 1990 at 2:00 p.m.

Variance to allow an accessory structure a height of 16 ft. in lieu of the maximum 15 ft. in the event that this Petition is granted, a building permit may be issued within the 30-day appeal period. The Zoning Commission will, however, determine any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and presented in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner
Baltimore County
M/9/105 Sept. 13.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9-19-90

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-18-90.

THE JEFFERSONIAN,

S. Zetser-Orlman
Publisher

\$92.54

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 9/18/90
Posted for: LeRoy J. Hubbs
Petitioner: LeRoy J. Hubbs
Location of property: S/S Wycliffe Rd., 300' SW of Park Dr.
2609 Wycliffe Rd.
Location of Sign: Wycliffe Rd., 300' SW of Park Dr.
Remarks: on file for LeRoy J. Hubbs
Posted by: [Signature] Date of return: 9/18/90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

9-19-90

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9-12-90.

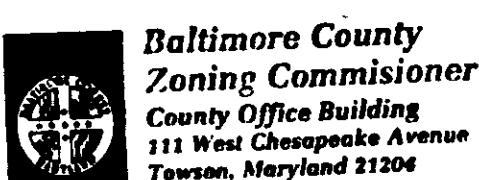
NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zetser-Orlman
Publisher

\$92.54

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, will hold a public hearing on the Petition for Zoning Variance Case No. 91-53-A, S/S Wycliffe Road, 300' SW of Park Drive, 2609 Wycliffe Road, 9th Election District, 6th Councilmanic District, at 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following:

J. ROBERT HAINES
Zoning Commissioner
Baltimore County
M/9/105 Sept. 13.



7/05/90
PUBLIC HEARING FEE: \$35.00
TOTAL: \$35.00

Account: R-001-6190
Number: 2892

H9100004

PD

03A02W0022N1CHRC
BA C009132A007-05-90

Please make checks payable to Baltimore County

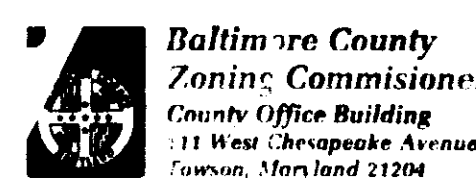
receipt

No. 2892

PD

\$35.00

Cashier Validation:



7/05/90
PUBLIC HEARING FEE: \$35.00
TOTAL: \$35.00

Account: R-001-6190
Number: 3597

receipt

No. 3597

04A04W0022N1CHRC
BA C009132A007-05-90

Please make checks payable to Baltimore County

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-53-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.2 to allow an accessory structure a height of 16' in lieu of the maximum 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property owner constructed an accessory storage building. Due to a misunderstanding between the owner and builder, the completed building reached a height of 16 feet. Strict compliance would force the property owner to tear down the building and rebuild it 1 1/2 inches lower at great cost.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name)
Signature
Address
City and State
Legal Owner(s): (Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.
Attorney for Petitioner:
James F. McAvoy, Esquire
6610-B Tributary Street, Suite 210
Baltimore, Maryland 21224
Attorney's Telephone No.: 633-5600

ORDERED By The Zoning Commissioner of Baltimore County, this 24 day

of 9-90, that the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of Oct., 1990, at 2 o'clock p.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

RECEIVED BY: CAM DATE: 9-18-90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 9/25/90

LeRoy J. Hubbs
2609 Wycliffe Road
Baltimore, Maryland 21234

Re: Petition for Zoning Variance
CASE NUMBER: 91-53-A
S/S Wycliffe Road, 300' SW of Park Drive
2609 Wycliffe Road
9th Election District - 6th Councilmanic District
Petitioner(s): LeRoy J. Hubbs
HEARING: TUESDAY, OCTOBER 9, 1990 at 2:00 p.m.

Dear Mr. Hubbs:

Please be advised that \$117.54 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
ZONING COMMISSIONER

JRH:iga
cc: James F. McAvoy, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 9, 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-53-A
5/5 Wycliffe Road, 300' SWLY Park Drive
2609 Wycliffe Road
9th Election District - 6th Councilmanic
Petitioner(s): LeRoy J. Hlub
HEARING: TUESDAY, OCTOBER 9, 1990 at 2:00 p.m.

Variance to allow an accessory structure a height of 16 ft. in lieu of the maximum 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: LeRoy J. Hlub
James F. McAvoy, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 24, 1990

Dennis F. Rasmussen
County Executive

James F. McAvoy, Esquire
UAW - CM Legal Services Plan
6610 B Tributary Street, Suite 210
Baltimore, MD 21224

RE: Item No. 4, Case No. 91-53-A
Petitioner: LeRoy J. Hlub, et ux
Petition for Zoning Variance

Dear Mr. McAvoy:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WIMARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this
31th day of July, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Le Roy J. Hlub

Petitioner's Attorney: James F. McAvoy

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 24, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: LeRoy J. Hlub, Item No. 4

The Petitioner requests a Variance to allow an accessory structure of 16 ft. in lieu of 15 ft.

This office has no objection to the requested variances. However, a restriction should be placed in the Order prohibiting any living quarters, kitchen or bathroom facilities in the garage, limiting storage to that of the personal property of the occupants at the principal dwelling.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM4/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3354

July 17, 1990

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 464, 1, 3, 4 and 5.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lvw

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

July 30, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LE ROY J. HLUBER
Location: #2609 WYCLIFFE ROAD
Item No.: 4 Zoning Agenda: JULY 24, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* 7-30-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE JULY 20, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES (2-6-12)

SUBJECT: ZONING ITEM #: 4th
PROPERTY OWNER: Le Roy J. Hlub
LOCATION: S/S Wycliffe Rd., 300' SWly Pk Dr.
(2609 Wycliffe Road)
ELECTION DISTRICT: 9th Election District
COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMP (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - No openings permitted in walls within 3'-0 of an interior lot line (SE wall) (906.3) SE wall must have (1) hr rating for exposure to Fire from both sides (906.2).
PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

JUL 24 1990

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: July 26, 1990

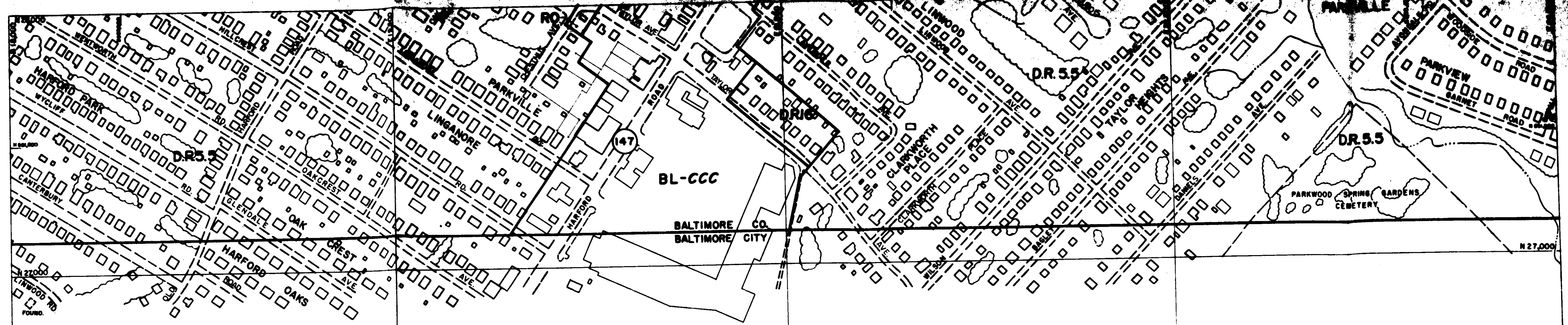
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for July 24, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 464, 1, 2, 3, 4 and 5.

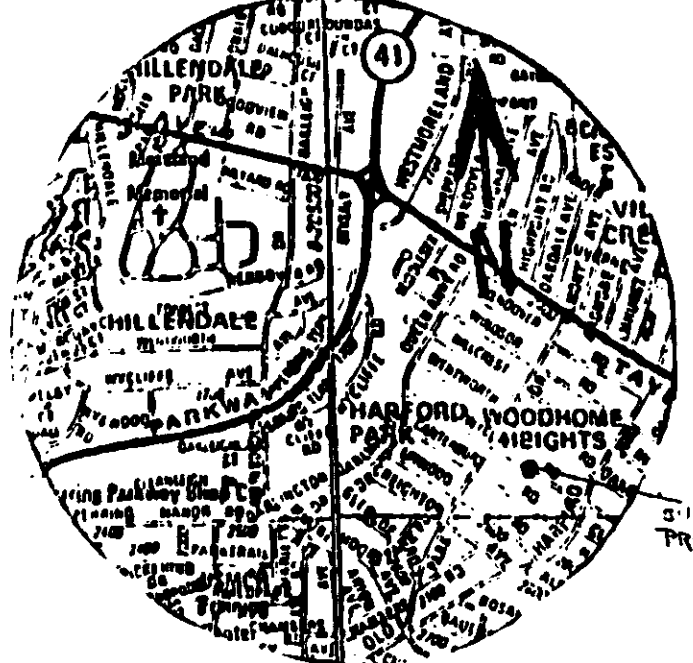
Robert W. Bowling, P.E.
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

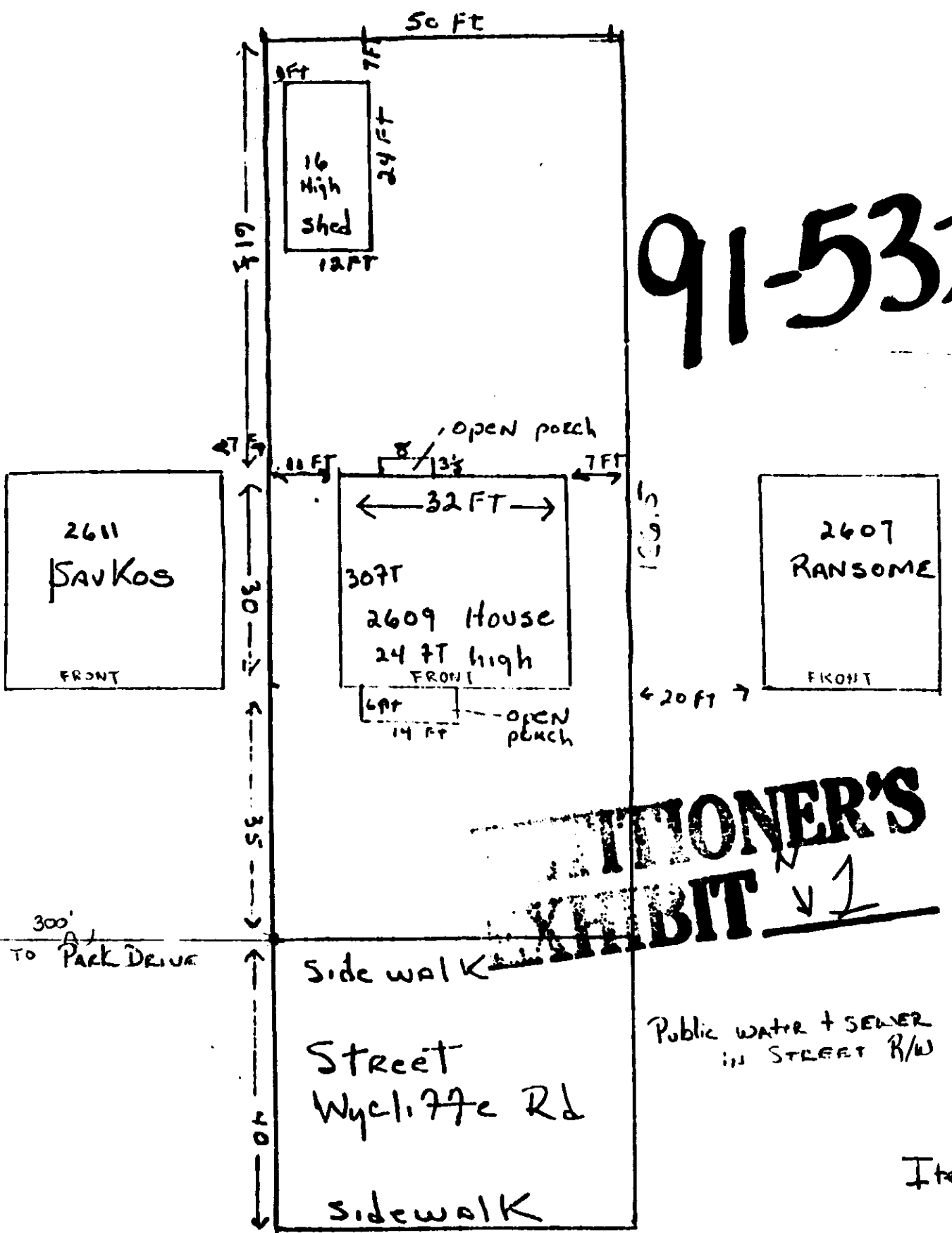


91-53-A

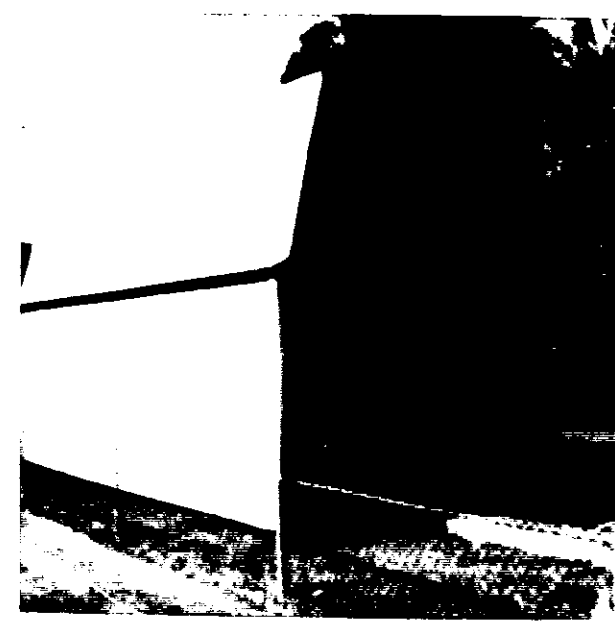
item #4



SECTION 9 COMMERCIAL DISTRICT 6
 MAP SCALE 1" = 200'
 LOT SIZE .15 ACRES
 6325 SQ. FT.
 Chesapeake Bay shoreline area - no
 dredging and no filling - note
 The lot is zoned BL-CCC



91-53-A



BALTIMORE COUNTY OF PLANNING AND ZONING SPECIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PARKVILLE	NE
DATE OF PHOTOGRAPH		7-D
JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHOD
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
 2609 WYCLIFFE ROAD
 PARKVIEW - BAL. BOOK 112C PG 12 & 13
 COUNCIL APPROV. 11/13/85